

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Improving Public Safety Communications)	WT Docket 02-55
in the 800 MHz Band)	
)	
Consolidating the 800 and 900 MHz)	
Industrial/Land Transportation and)	
Business Pool Channels)	
)	
Amendment of Part 2 of the)	ET Docket No. 00-258
Commission's Rules to Allocate Spectrum)	
Below 3 GHz for Mobile and Fixed)	
Services to Support the Introduction of)	
New Advanced Wireless Services,)	
including Third Generation Wireless)	
Systems)	
)	
Petition for Rule Making of the Wireless)	RM-9498
Information Networks Forum Concerning)	
the Unlicensed Personal Communications)	
Service)	
)	
Petition for Rule Making of UT Starcom,)	RM-10024
Inc., Concerning the Unlicensed Personal)	
Communications Service)	
)	
Amendment of Section 2.106 of the)	ET Docket No. 95-18
Commission's Rules to Allocate Spectrum)	
at 2 GHz for use by the Mobile Satellite)	
Service)	

To: The Commission

**COMMENTS OF OREGON PUBLIC BROADCASTING IN
SUPPORT OF PETITIONS FOR CLARIFICATION OR
RECONSIDERATION**

Oregon Public Broadcasting (OPB) submits these comments in support of
the "Petition for Clarification or Reconsideration" filed on January 27, 2006 by

Mohave County Board of Supervisors ("Mohave") with regard to the treatment by Sprint-Nextel of so-called "secondary" Broadcast Auxiliary Service (BAS) microwave links in the 1.9 GHz band which are a part of television translator systems. OPB also supports the "Petition for Clarification of The Association for Maximum Service Telecasters, Inc. ("MSTV")" on the same subject.¹ OPB requires reimbursement of costs to reband its extensive network of BAS stations to the new channel plan at 2 GHz. The failure of the FCC to order Sprint-Nextel to reimburse such costs as part of the 1.9 GHz rebanding effort will result in a loss of service to as many as 275,000 citizens of Oregon, including the loss of emergency alert services, in a manner which disserves the public interest. In the alternative, should the Commission proceed by waiver, as suggested by Mohave, OPB requests a similar waiver to allow reimbursement for its 2 GHz facility changes. In support of this statement, the following is offered:

OPB, an independent not-for-profit corporation, has as its mission "to provide lifelong learning that informs, educates and enriches people through the development and delivery of exemplary programming and services." OPB operates state-wide networks of noncommercial educational television and radio stations, including numerous translator stations.

The background of the BAS reimbursement issue regarding facilities used in connection with Television Translator and LPTV stations has been thoroughly recounted by Mohave and MSTV. OPB had been monitoring the FCC rulemaking proceeding regarding the need to relocate 2 GHz BAS facilities to the

¹ OPB takes no position on the "Petition for Reconsideration of Sprint Nextel Corporation" also filed January 27, 2006 on issues unrelated to operations in the BAS band.

new band plan at 2025-2100 MHz, and had the full expectation from published Commission decisions that its facility relocation costs would be paid by Sprint-Nextel. Unlike Mohave, OPB has yet to participate in meetings with Sprint-Nextel regarding 2 GHz relocation, and in fact the “kick off” meeting is now scheduled for April 4, 2006. Like Mohave, OPB also received a letter dated December 1, 2005 from Sprint-Nextel declaring various of its facilities “not eligible” for reimbursement of relocation costs. A number of the facilities appear to have been mis-categorized by Sprint-Nextel, as they are primary microwave licenses serving primary broadcast stations, and not translators. However, without a doubt if the Sprint-Nextel interpretation of the FCC’s October 2005 “Memorandum Opinion and Order” (FCC 05-1784, released October 5, 2005) is upheld on reconsideration, numerous services of OPB will be disrupted. OPB has estimated that the replacement costs of equipment in the new channel plan will be approximately \$900,000. A non-profit public broadcasting organization simply does not have the capital required to replace this type of equipment on a “flash-cut” basis, and in particular at a time when resources are already required to complete the transition to digital television (DTV).

Attached is a map prepared by OPB's Director of Engineering, RF Systems, which shows the impact on OPB services if its BAS facilities are required to shut down. There are 22 licensed 2 GHz BAS systems, several of which have transmitter splits and so serve multiple receive sites, for a total of 26 microwave paths. The black call signs/ labels with white background on the map are disputed licenses from the December 1 letter. There are two additional TV Translator relays not included by Sprint-Nextel that are shown with black letters/

gray background. TV Intercity Relays that are not in dispute, but part of OPB's 2 GHz network are displayed with White labels/ gray background.

The result of terminating the 2 GHz services would directly or indirectly affect 2 TV Stations, 3 Radio Stations, 26 TV Translators and 10 Radio Translators. Additionally, there are 2 GHz facilities that serve at least 12 cable systems. These facilities provide OPB services to a significant rural population in the State of Oregon, including Emergency Alert System alerts. OPB has the direct input from the NPR/ PEP National input as well as direct input from the Oregon State Emergency Management Center in Salem. OPB's microwave network is an integral part of this emergency communications system, and virtually every radio and TV station in the state monitors one of OPB's stations. The southbound microwave network which is included in the December 1 letter as "ineligible" for reimbursement is the primary conduit for the EAS system to Southern Oregon and feeds a special VHF distribution transmitter for that part of the state.

Sprint-Nextel must be required to provide the facilities required for the continuation of these important services to the citizens of Oregon. Rebanding of existing 2 GHz facilities in their current configuration might not be the best solution, inasmuch as the conversion to DTV has required OPB to begin a process of reconfiguring its distribution system to include digital DS3 fiber optic facilities. Because of the uncertainties created by the December 1 letter, OPB has been unable to complete the redesign of its distribution system. OPB stands ready to work with Sprint-Nextel on an intelligent redesign of the network that will use a combination of OPB resources and Sprint-Nextel funds; however the

Commission must rule that Sprint-Nextel deserves full credit for expenditures of this type.

Using list prices from Microwave Radio Corporation and rough guesses of the exact types of equipment which would be required, OPB has developed an estimate of costs of equipment replacement of \$893,700. A fully developed plan will likely be less because Sprint-Nextel has access to better prices, and also because some microwave facilities might be retired as fiber is added to the network. Still, this is clearly money that a non-profit public broadcasting entity does not have. Sprint-Nextel's interpretation of the FCC's rules regarding "secondary" facilities must not stand.

Accordingly, OPB joins Mohave and MSTV in requesting that the FCC clarify its October 2005 "Memorandum Opinion and Order," or in the alternative, waive the rules or policies barring reimbursement of OPB, so that Sprint-Nextel would be given an appropriate credit for the costs of rebanding the facilities used in the extensive state network operated by OPB.

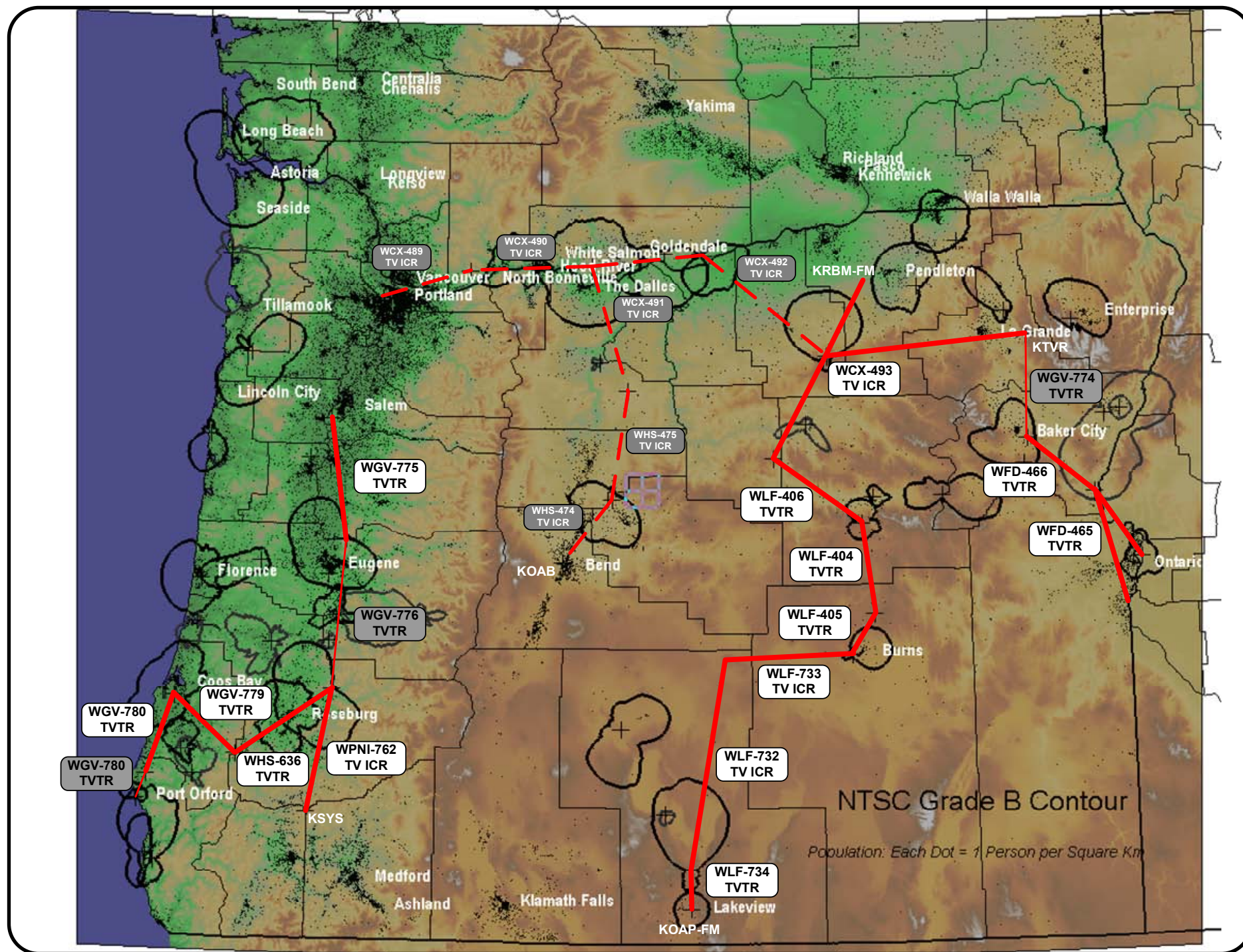
Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Mary Kay McMahon, a secretary with the law firm of Schwartz, Woods & Miller, hereby certify that copies of the foregoing **COMMENTS OF OREGON PUBLIC BROADCASTING IN SUPPORT OF PETITIONS FOR CLARIFICATION OR RECONSIDERATION** were served via U.S. mail on this 23rd day of March 2006 to the following:

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